

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSEPH J. MORRIS, on behalf of himself  
and all others similarly situated;

Plaintiff,

vs.

R.A. POPP ENTERPRISES, INC.,  
RONALD POPP, RUTH ANN POPP,  
KAREN POPP, ANDREW POPP,

Defendants.

**8:11CV263**

**SECOND  
AMENDED PROGRESSION ORDER**

The parties' joint motion, (Filing 77), is granted, and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska at 9:00 a.m. on **January 27, 2014**, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **January 14, 2014 at 11:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on January 13, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is July 15, 2013. Motions to compel Rule 33 through 36 discovery must be filed by June 21, 2013.
- 4) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is May 20, 2013.

- 5) The deposition deadline is August 23, 2013.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is August 30, 2013.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is July 15, 2013.
- 9) The deadline to request video recording is January 16, 2014.
- 10) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

April 18, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge